

Serial No.: 10/707,763
Confirmation No.: 1762
Applicant: NILSSON, Ingemar *et al.*
Atty. Ref.: 07589.0152.PCUS00

REMARKS:

REMARKS REGARDING THE DRAWINGS

The Office Action objected to the drawings because they include no cross-hatching indicating cutaway sections. However, applicants were not provided with guidance regarding any particular figure subject to objection for omission of cross-hatching. As described in the present application, Figures 1, 4, 7 and 10 are perspective views, Figures 2, 5, 8 and 11 are exploded perspective views and Figures 3, 6, 9, and 12 are exploded side views, none of which include cut-away sections. Absence of cut-away sections from any of the drawings suggests that they have been presented correctly and addition of cross-hatching would be inappropriate. Therefore, Applicants respectfully request further clarification of the objection.

REMARKS REGARDING AMENDMENTS TO THE SPECIFICATION:

Correction of the Title of the invention is requested so that the word "CAB" replaces the word "CAP."

The Abstract has been amended to overcome objection concerning the use of certain terms as well as reducing the number of words to less than 150.

REMARKS REGARDING CLAIMS AMENDMENTS:

Claims 1 and 2 have been amended to overcome rejection under 35 U.S.C. §102(b), claims 7, 9, and 13 have been amended to overcome rejection under 35 U.S.C. §112, second paragraph and new claims 14-16 have been added to provide further, and alternative claim language reciting limitations that the Office has deemed to be allowable subject matter. New claims 17-19 have different scope from claims previously presented and are also believed to be allowable. New claims 20-34 have scope equal to original claims having subject matter indicated as being allowable.

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IN RESPONSE TO THE OFFICE ACTION:

REJECTION UNDER 35 U.S.C. § 112:

Claims 7, 9 and 13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7, 9 and 13 have been amended and comply with changes recommended in the Office Action.

Applicants submit that the above amendments obviate the rejection of the claims under 35 U.S.C. §112, second paragraph and thus ask that the Examiner reconsider and withdraw the rejection of the claims and indicate their allowance in the next paper from the Office.

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REJECTIONS UNDER 35 U.S.C. § 102:

The following table provides requirements of claim 1 of the present invention and a summary of teachings of Gronlund:

**COMPARISON OF THE PRESENT INVENTION WITH
TEACHINGS OF THE REFERENCE (GRONLUND)**

Claims Requirements of the Present Invention	Gronlund (WO 9708038)
Amended Claim 1 recites “comprising a connector (5) having a firm connection to the cab (4) or alternatively to the frame (3) and a first element (1)”	Gronlund uses a fastening element (9) embedded in a bushing (4) for connecting a spring strut (1) to the cab of a vehicle. An opening in the bushing (4) accommodates a rod protruding from a composite unit that includes a spring (2) and shock absorber (3) placed between end covers (14, 15). A fastening eye (10), arranged on the lower end cover (15) can be anchored to an element fastened to the frame (21) (see page 3, line 12 to page 4, line 11.) The Office Action identifies the shock absorber (3) as the first element of the present invention. A second fastening element (9) is needed to connect the bushing (4), which the Office Action identifies as the second element, to the cab.
Amended Claim 1 recites “said first element is connected firmly in the vehicle frame (3) or alternatively in the cab (4)”	Gronlund teaches connection of the bushing (identified by the Office Action as the second element) in an opening in the vehicle cab. There is no teaching of the reference placing the shock absorber (3) inside either the frame or the cab of the vehicle.
Amended Claim 1 further recites, “a second element (2) adapted mainly for taking up load in roll-over accident situations”	Gronlund is silent regarding a function for the bushing (4) except to resist shearing and isolate low frequency vibrations from the cab (Page 2, lines 15 - 20). The composite unit of the spring strut (1) includes a conventional shock absorber (3) and a spring (2) that adjusts the level of the cab.

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The Office Action indicated rejection of claims 1-3, 5-7, 9 and 11-13 under 35 U.S.C. §102(b) as being anticipated by Gronlund (WO 9708038). A statement from the Office Action is included below for convenient reference when reviewing applicants' response to rejection of claim 1 of the present invention; it reads as follows:

Re claim 1, Gronlund discloses a device for suspension of a cab on a vehicle frame comprising a first element (3) adapted mainly for reducing transmission of shocks/vibrations from the vehicle frame to the cab and a second element (4) adapted mainly for taking up in the event of, for example, accident situations said first second elements being arranged serially in vertical direction of the vehicle, and the device comprising means for connecting the cab and the vehicle frame (8), said first and second elements being arranged on said connecting means, said first element is connected firmly in the vehicle frame (21), or alternatively in the cab, and in that said connecting means is connected firmly to said first element and also to the cab (11), or alternatively to the vehicle frame, said connecting means constituting the firm connection between said first element and the cab, or alternatively the vehicle frame.

For there to be anticipation under 35 U.S.C. §102, "each and every element" claimed by the present invention must be found either expressly or inherently described in the reference of Gronlund. The following discussion provides evidence that Gronlund fails to satisfy the requirements of an anticipating reference since it does not teach or inherently describe at least three requirements according to claim 1 of the present invention.

Rejection of claim 1 relies upon general reference to figures of Gronlund using selected numerals therefrom in support of claims rejection. Such rejection, without reference to the descriptive portion of the reference, causes incomplete appreciation of precisely what the reference teaches.

Differences between the cab suspension system of the present invention and that of the reference were summarized previously in tabular form. The following discussion adds evidence of how Gronlund fails to satisfy requirements for anticipating claims of the present invention.

Gronlund teaches a spring strut (1) attached to a bracket (11) of the cab of a vehicle using a fastening element (9) protruding from a two-part (6, 40) rubber bushing (4) mounted around a rod (8), i.e. the piston stem extending from a shock absorber (3). The spring strut (1) incorporates

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the shock absorber (3) and a spring (2) that may be a conventional coil spring or an air bellows (2) mounted concentrically with the shock absorber (3) for adjusting cab height. Placed between end covers (14, 15), the spring (2) and shock absorber (3) provide a composite unit making it easy to fit the spring strut (1) with respect to the cab and the frame. A fastening eye (10) is arranged on the lower end cover (15) and can be anchored to an element fastened to the frame (21) (see page 3, line 12 to page 4, line 11.)

Claim 1 of the present invention has been amended to replace "a means for connecting" with "a connector." The connector provides a firm connection from a first element to either a cab or frame of a vehicle. This is contrary to the teaching of Gronlund, which requires at least three connector members including a piston stem (8) a lock nut (7) and a fastening element (9) of a bushing (4) to make firm connection of the cab of the vehicle to the component, i.e. the shock absorber (3), identified by the Office Action as the first element according to the present invention. As discussed further below, the composite unit of Gronlund has connection to the frame, but not in the frame.

The connector of the present invention provides firm connection between the first element recited in amended claim 1 and either the frame or the cab of a vehicle. Claim 1 also requires that such firm connection be in the frame (illustrated in Figure 1) or in the cab of the vehicle. Gronlund does not teach either requirement when applied to the shock absorber (3) which the Office Action equates with the first element of the present invention.

Having provided evidence that the reference fails to teach a connector and firm connections in the frame or cab of the vehicle as recited by amended claim 1 of the present invention, applicants submit further that Gronlund is silent regarding a second element "mainly for taking up load in the event - - - of roll-over of the vehicle" (see e.g. paragraphs [0005], [0034] and [0038] of published application U.S. 2004/0201257 A1). Gronlund teaches only conventional use of a shock absorber (3), a vibration dampening bushing (4) and a cab-leveling spring (2) (see e.g. page 2, lines 15 - 20 and page 3, line 15).

In view of the above, Applicants believe that claim 1, as amended, is allowable and respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b) as being anticipated by Gronlund (WO 9708038).

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Rejection of claim 3 of the present invention appears to be in error since the descriptive portion of Gronlund, relating to reference numeral 11, refers to a bracket "which is fastened to the cab" (see page 4, line 5). The Office Action incorrectly suggests that numeral 11 identifies part of the vehicle frame. Therefore, Gronlund does not provide basis for rejection of claim 3, which should be allowed.

Previously rejected claims 2, 5 - 7, 9, and 11 - 13 have dependency from base claim 1. Evidence has been presented showing that claim 1 is allowable over Gronlund. Applicants submit that claims deriving dependency from amended claim 1 should likewise be allowable. For this reason, applicants request the reconsideration and withdrawal of the rejection of claims 2-3, 5-7, 9 and 11-13 under 35 U.S.C. §102(b).

ALLOWABLE SUBJECT MATTER

Applicants gratefully acknowledge the indication of the allowable subject matter of claims 4, 8 and 10. For reasons presented previously, it is believed that claims 1 - 13 are allowable and rejection under 35 U.S.C. §112, second paragraph, has been resolved. New claims 14 - 16 are included as allowable independent claims in that claim 14 includes the allowable subject matter of original claims 1 + 3 + 4, claim 16 includes the allowable subject matter of original claims 1 + 6 + 8, and claim 16 includes the allowable subject matter of original claims 1 + 10. New claims 17 - 19 are also believed to be allowable in that they include limitations regarding the device's inclusion of first and second elements respectively acting to limit the transmission of vibrations and reduce cab instability that would otherwise lead to roll-over of the vehicle.

Claim 20 has been added having subject matter similar to original claim 1, but with the clarification that the first element is configured to reduce the transmission of normal operating shocks/vibrations from the vehicle frame to the cab and that the second element is configured to take up load in a roll-over accident situation. As discussed in greater detail hereinabove, these features are not found in the art of record.

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Claim 21 contains the allowed subject matter of original claim 4, while claims 22 and 23 contain the allowed subject matter of original claims 8 and 10, respectively; therefore, each is allowable. Claims 24-34 depend therefrom and are therefore also allowable.

CONCLUSION

Review of the prior art made of record by the Office Action and not relied upon suggests that the references of Gross et al., Lindblom et al., Eng, and Schubert fail to teach subject matter claimed by the present invention.

Applicants have made an earnest attempt to respond to all the points included in the Office Action and, in view of the above, submit that amendment of the Title, Abstract and claims places the application in condition for allowance. Consequently, request is respectfully made for reconsideration of the application and notification of allowance of claims 1 - 13 along with new claims 14 - 34 in the next paper from the Office.

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The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, Order No. 07589.0152.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,



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